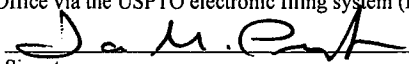


| CERTIFICATE OF MAILING OR TRANSMISSION<br>37 C.F.R. § 1.8  |                         |
|--|-------------------------|
| Pursuant to 37 C.F.R. § 1.8, I hereby certify that I have information and a reasonable basis for belief that this paper will be filed with the United States Patent and Trademark Office via the USPTO electronic filing system (EFS) on October 28, 2008. |                         |
| <br>Signature   | <u>10/28/08</u><br>Date |

**PATENT**  
016295.1460

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

|  |   |                           |
|--|---|---------------------------|
| In re patent application of:           | § |                           |
|  | § |                           |
| Andrews, et al.                        | § | Confirmation No.: 5137    |
|  | § |                           |
| Serial No.: 10/669,870                 | § | Group No.: 2153           |
|  | § |                           |
| Filed: September 24, 2003              | § | Examiner: Chea, Philip J. |
|  | § |                           |
| For: Dynamically Varying a RAID Cache  | § |                           |
| Policy in Order to Optimize Throughput | § |                           |

### AMENDMENT IN RESPONSE TO NOTICE OF ALLOWANCE

This replies to the Notice of Drawing Inconsistency with Specification mailed September 3, 2008 and to the Notice of Allowance mailed August 11, 2008.

Pursuant to 37 C.F.R. 1.312, Applicants have amended the Specification to include a brief description of Figure 7. Applicants submit that this amendment corrects an inadvertent scrivener's error, does not include any new material and is fully supported by the Specification as originally filed.

Applicants believe there are no fees due in connection with the filing of this response. If any fees are due, applicants authorize and instruct the U.S. Patent and Trademark Office to charge Deposit Account No. 02-0383 (matter 016295.3394) of Baker Botts L.L.P. for any charges necessary for the filing of this response.